

II. REMARKS

In the Office Action, claims 14, 16-20, 22, 103, 105-133, and 148 have been rejected pursuant to 35 U.S.C. Sec. 103 for reasons set forth in the Office Action.

In response to the contentions raised in the Office Action of 6 August 2009, Applicant is submitting the Declaration of Scott Rader, PhD as further evidence of a reduction to practice. Please consider the Declaration of Scott Rader, PhD in connection with the declarations of Kevin Donovan and evidence of reduction to practice submitted therewith. Applicant respectfully submits that, in view of these declarations and corroborating evidence (Business Wire article, log of an actual chat session, and a screen shot showing the encryption screen as used), Prodigy did in fact release a commercial product that did in fact reduce the invention to practice in the United States at a time prior to May 5, 1999. Reconsideration of the rejection is respectfully requested.

With respect to the present application, the Applicant hereby rescinds any disclaimer of claim scope made in the parent application or any predecessor or related application, and maintains the previously stated traversals. The Examiner is advised that any previous disclaimer, if any, and the prior art that it was made to avoid, may need to be revisited. Nor should a disclaimer, if any, in the present application be read back into any predecessor or related application.

APPLICANT CLAIMS LARGE ENTITY STATUS. The Commissioner is hereby authorized to charge any fees associated with the above-identified patent application or credit any overcharges to Deposit Account No. 50-0235.

Application No. 09/385,802
Attorney Docket No. 15719US00

Please direct all correspondence to the undersigned at the address given below.

Respectfully submitted,



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